

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 568 of 1998

to

FIRST APPEAL No 617 of 1998

Hon'ble MR.JUSTICE Y.B.BHATT

and

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SPL.LAQ OFFICER

Versus

CHAUDHARI ABHABHAI MANABHAI  
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Appearance:

MR SJ DAVE, AGP for the appellants.

MR MS DESAI for the respondents.  
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CORAM : MR.JUSTICE Y.B.BHATT and

MR.JUSTICE C.K.BUCH

Date of decision: 06/05/98

COMMON ORAL JUDGEMENT

1. Heard the learned counsel for the respective

parties. Appeals are admitted. Mr. M.S. Desai waives service for the respondents-original claimants.

2. On the joint request of learned counsel for the respective parties these appeals are taken up for final hearing today.

3. These are appeals filed by the appellant State of Gujarat under section 54 of the Land Acquisition Act read with section 96, CPC, challenging the common judgement and awards passed by the Reference Court under section 18 of the said Act.

4. As a result of the hearing and discussion, we find that a detailed discussion on the merits of the impugned judgement and awards is not necessary in view of the following facts which have been brought to our attention.

5. Learned counsel for the respective parties agree that the present appeals would be squarely covered by an earlier decision of this very Bench dated 28th April 1998, in First Appeal Nos.1412/97 to 1456/97.

6. The reasons why the present group of appeals will be directly and specifically covered by the said decision are as under.

7. The purpose for which the lands were acquired, both in the instant case and in respect of our decision referred to hereinabove, was the same viz. the Dharoi Irrigation Canal Project. Both the acquisitions pertain to lands in the very same village viz. Vasai, Taluka Kheralu, District Sabarkanta. Furthermore, both groups of lands were acquired under the very same notification under section 4, published on 8th June 1989. Thus, all relevant and material facts are identical both in the present group of appeals and in our previous decision.

8. Only by way of an explanatory note, we may mention that the difference in valuation in respect of the acquired lands in the two groups, at the hands of the Reference Court, has occurred simply because the two groups of Land Reference Cases were tried by two separate Presiding Officers. Apart from this difference, there is no other distinction whatsoever.

9. Thus, on the facts and circumstances of the case and in view of the specific concession made by learned counsel for the respondents-original claimants, we hold and direct that the market value of the acquired lands in

the present group of appeals shall be and is determined by us at Rs.5/- per square meter on a uniform basis irrespective of whether they are irrigated, non-irrigated or Kyari lands.

10. The impugned judgement and awards shall thus stand modified as directed by us hereinabove.

11. We, however, clarify that other compensation under other heads viz. under section 23(1-A), and section 28, sub-section (1) and sub-section (2) of the said Act is sustained as directed by the Reference Court, which is also hereby confirmed.

12. No other contentions have been raised by either side.

13. These appeals are, therefore, partly allowed with no order as to costs. Decree accordingly.

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